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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,905

09/14/2006

Chikashi Sato

KIN-16867

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EXAMINER

CARPENTER, WILLIAM R

ART UNIT

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3767

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,905	Applicant(s) SATO, CHIKASHI	
	Examiner WILLIAM CARPENTER	Art Unit 3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/22/2006; 09/14/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/598905, filed on 09/14/2006.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

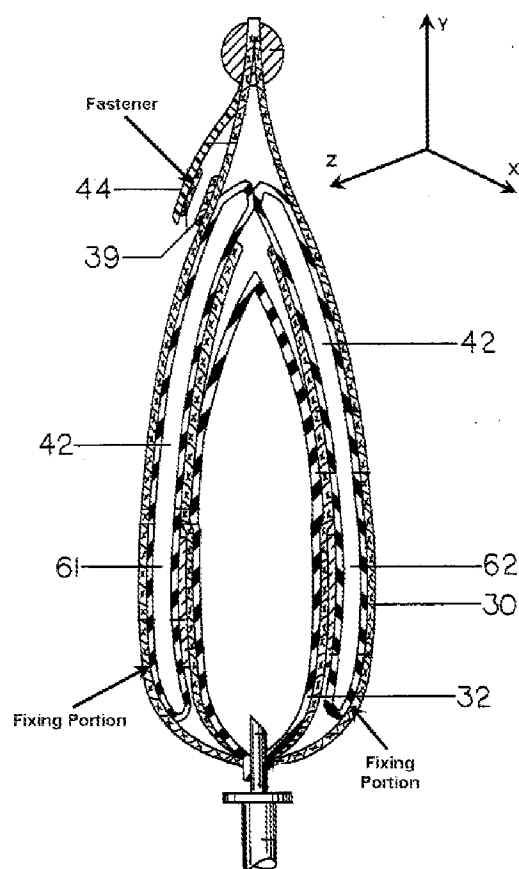
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7-9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,368,569 ("Sanese").

As regards to Claim 1, Sanese discloses a pressing chamber comprising an air inflatable bladder (42). Sanese further discloses an outer layer (30) which has a rectangular shape (when unfurled) and includes a VELCRO fastening means (39) on the front surface and a corresponding VELCRO fastener (see attached figure) disposed on the back surface of the cover flap (44) such that the outer layer is configured to surround the pressing chamber (Figure 3). Sanese further discloses a fixing portion (see attached figure) for fixing the pressing chamber to the outer layer presumably in all three axial directions (Column 3, Lines 62-64). Sanese further discloses that the outer layer surrounds the pressing chamber in such a manner that the pressing chamber contacts with an infusion bag (32) with the outer layer being fastened by the fasteners.

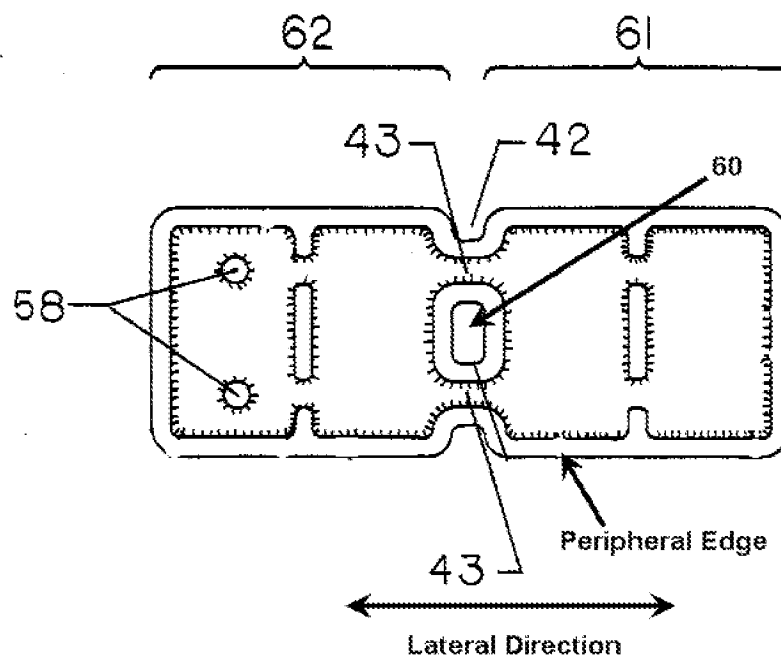
In the instant case the term "contact" is afforded its broadest reasonable interpretation and as such does not exclusively read on "directly contacts". As the configuration of the outer layer causes the pressing chamber and the infusion bag to form an associative relationship i.e. compression of the infusion bag due to expansion of the pressing chamber, the pressing chamber is deemed to be in contact with the infusion bag.



As regards to Claim 2, Sanese discloses that two fixing portions of the pressing chamber are fixed to the outer layer generally in parallel to one another in the axial direction (see attached figure).

As regards to Claim 3, Sanese discloses that the pressing chamber is divided into two communicating chambers (61 and 62) by a partition (43) that is formed in the

direction of the 'X'-axis so as to not reach the peripheral side of the pressing chamber and at substantially the middle in the lateral direction (see attached figure). While not explicitly stated it is believed to be the case that the partition is also fixedly secured to the outer layer (Column 3, Lines 62-64).



As regards to Claim 4, Sanese discloses that the pressing chamber is bag-like (Figure 3) that includes one bag-like chamber (61) that is adapted to be air inflated and having a fixing portion of the bag fixed to the outer layer in an axial direction (Column 3, Lines 62-64).

As regards to Claim 5, Sanese discloses that the pressing chamber is bag-like (Figure 3) and is divided into two communicating bag-like chambers (61 and 62) by a partition (63) that is formed in the 'X' axial direction so as to not reach the peripheral side of the pressing chamber and is located substantially at the middle in a lateral

direction (see attached figure). While not explicitly stated it is believed to be the case that the partition is also fixedly secured to the outer layer (Column 3, Lines 62-64).

As regards to Claims 7 and 8, Sanese discloses that the lower portion of the pressing chamber and outer layer are fixedly adhered (Column 3, Lines 62-64) thereby forming a "fall-stop" at the partitions (43), while allowing the receiver portion (100) of the infusion bag (32) to protrude from the bottom.

As regards to Claim 9, Sanese discloses a pressing chamber comprising an air inflatable bladder (42). Sanese further discloses an outer layer (30) which has a rectangular shape (when unfurled) and includes a VELCRO fastening means (39) on the front surface and a corresponding VELCRO fastener (see attached figure) disposed on the back surface of the cover flap (44) such that the outer layer is configured to surround the pressing chamber (Figure 3). Sanese further discloses a fixing portion (see attached figure) for fixing the pressing chamber to the outer layer presumably in all three axial directions (Column 3, Lines 62-64). Sanese further discloses that the outer layer surrounds the pressing chamber in such a manner that the pressing chamber contacts with an infusion bag (32) with the outer layer being fastened by the fasteners. In the instant case the term "contact" is afforded its broadest reasonable interpretation and as such does not exclusively read on "directly contacts". As the configuration of the outer layer causes the pressing chamber and the infusion bag to form an associative relationship i.e. compression of the infusion bag due to expansion of the pressing chamber, the pressing chamber is deemed to be in contact with the infusion bag. Sanese further discloses that one side is provided with a hole (60) through which a neck

portion (100) of the infusion bag projects (Figure 3). Sanese further discloses that the infusion bag is surrounded by the outer layer which is fastened by the fasteners (Figure 3).

As regards to Claim 11, Sanese discloses a pressing chamber comprising an air inflatable bladder (42). Sanese further discloses an outer layer (30) which has a rectangular shape (when unfurled) and includes a VELCRO fastening means (39) on the front surface and a corresponding VELCRO fastener (see attached figure) disposed on the back surface of the cover flap (44) such that the outer layer is configured to surround the pressing chamber (Figure 3). Sanese further discloses a fixing portion (see attached figure) for fixing the pressing chamber to the outer layer presumably in all three axial directions (Column 3, Lines 62-64). Sanese further discloses that the outer layer surrounds the pressing chamber in such a manner that the pressing chamber contacts with an infusion bag (32) with the outer layer being fastened by the fasteners. In the instant case the term "contact" is afforded its broadest reasonable interpretation and as such does not exclusively read on "directly contacts". As the configuration of the outer layer causes the pressing chamber and the infusion bag to form an associative relationship i.e. compression of the infusion bag due to expansion of the pressing chamber, the pressing chamber is deemed to be in contact with the infusion bag. Sanese further discloses a gas feeder comprising an air feed line (57) connecting a pump (54) to the air bladder/pressing chamber (42) to inflate the chamber and compress the infusion bag (Column 5, Lines 35-39).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,368,569 ("Sanese") as applied to Claim 4 above, and further in view of US Patent No. 4,804,367 ("Smith").

As regards to Claim 6, Sanese discloses the device substantially as claimed except that the device is provided with an observation window in order to view the infusion bag disposed within the pressing chamber and outer layer. However, Smith discloses a similar comprising a jacket surrounding an infusion bag in order to thermally insulate the bag. Smith discloses that this device includes an observation window (46) as to allow a user to view the fluid level of the infusion bag at any time (Column 3, Lines 46-48). It would have been obvious for one having ordinary skill in the art at the time the

invention to include a viewing window, as disclosed by Smith, through the outer layer and pressing chamber of the device of Sanese so as to allow a user to monitor the fluid level of the infusion bag during operation.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,368,569 ("Sanese") as applied to Claim 9 above, and further in view of US Patent No. 4,551,136 ("Mandl").

As regards to Claim 10, Sanese discloses the device substantially as claimed except that the device is formed with a restricting belt in an axial direction and adapted to fasten around the outer layer by a pair of fasteners disposed on the exterior and interior of the restricting belt. However, Mandl discloses a similar device for pressurizing an infusion bag comprising an outer layer (21) having a restricting belt (30) formed along an axial direction and adapted to circumscribe the outer layer (Figure 3) and fasten via two fasteners (31 and 32) disposed on both the interior and the exterior of the restricting belt. Mandl discloses that the belt helps to contain the infusion bag within the pressing chamber (Column 1, Line 65 – Column 2, Line 2). It would have been obvious for one having ordinary skill in the art at the time the invention to include an elongated restricting belt, as disclosed by Mandl, with the device of Sanese so as to completely secure the infusion bag within the pressing bag.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM CARPENTER whose telephone number is (571) 270-3637. The examiner can normally be reached on Monday through Thursday from 7:00AM-4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WC
2/26/2008

/Kevin C. Sirmons/
Supervisory Patent Examiner, Art Unit 3767

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